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\$1647

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit: 1647
)	
NIELSEN, et al.)	Examiner: DEBERRY, R.
)	
Serial No.: 09/845,716)	Washington, D.C.
)	
Filed: May 2, 2001)	November 1, 2005
)	
For: USE OF α -MSH AND EPO FOR)	Docket No.: NIELSEN=3A
PREVENTING OR TREATING)	
ISCHEMIC CONDITIONS)	Confirmation No.: 3819

RESPONSE IN PARENT CASE FOR COPENDENCY
WITH CONTINUING APPLICATION

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

As a response in this case, a () continuation,
() continuation-in-part, (X) divisional application, claiming
benefit of the filing date of the present application, is
being filed under 37 CFR §1.53(b) on even date herewith.

1. Small Entity Status

[X] Small entity status of this application under 37 C.F.R.
1.9 and 1.27 has been previously asserted.

[] Small entity status under 37 C.F.R. 1.9 and 1.27 is now
asserted.

2. Extensions of Time

It is hereby petitioned for an extension of time in accordance
with 37 C.F.R. 1.136(a), for whatever period is necessary to
make said continuing application timely. It is believed that
a total extension of time of 1 month from the initial
deadline is required. The appropriate fee required by 37
C.F.R. 1.17 is calculated as shown below:

11/02/2005 HDARTE1 00000198 09845716 60.00 DP
01 FC:2251

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Small Entity:	Other than Small Entity:
Response filed within	Response filed within
<input checked="" type="checkbox"/> first - \$ 60.00	<input type="checkbox"/> first - \$ 120.00
<input type="checkbox"/> second - \$ 225.00	<input type="checkbox"/> second - \$ 450.00
<input type="checkbox"/> third - \$ 510.00	<input type="checkbox"/> third - \$1,020.00
<input type="checkbox"/> fourth - \$ 795.00	<input type="checkbox"/> fourth - \$1,590.00
<input type="checkbox"/> fifth - \$1080.00	<input type="checkbox"/> fifth - \$2,160.00
month after time period set	month after time period set
<input type="checkbox"/> Less fees (\$) already paid for	month(s)
extension of time on	.

3. Right to Claim Benefit

☐ This application is complete as set forth in 37 CFR §1.53(b), and hence its benefit may be claimed pursuant to 37 CFR §1.78(a)(1)(i).

☐ This application is entitled to a filing date as set forth in 37 CFR §1.53(b) or 1.53(d) and the basic filing fee of \$1.16 has been paid, and hence its benefit may be claimed pursuant to 37 CFR §1.78(a)(1)(ii).

☐ In addition, applicants hereby pay the processing and retention fee of 37 CFR §1.21(1) (\$130), as required by 37 CFR §1.53(f) to prevent disposal of the application file. By payment of this fee, applicants believe that they have now satisfied all requirements for claiming the benefit of this application in the aforementioned continuing application. See 37 CFR §1.78(a)(1)(iii).

4. Method of Payment

☒ A credit card payment form, PTO-2038, authorizing payment of \$60.00, is attached.

☐ Please charge our Deposit Account No. 02-4035 in the amount of \$. A duplicate copy of this sheet is attached.

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[] A check in the amount of \$_____ is attached (Check No.).

The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035.

Upon the condition that the above petition for extension of time is granted and a filing date is granted to the above-mentioned continuing application, applicant(s) expressly abandon the above identified application, but not the invention therein.

The present communication is intended to be in accordance with the Commissioner's Notice of May 13, 1983, published at 1031 OG 12.

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By: _____

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